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BY ECF

Hon. Loretta A. Preska

United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street,
New York, N.Y. 10007

Re: Benjamin v. Brann
75 Civ. 3073 (LAP)
Def't's Request to Modify Environmental Order

Dear Judge Preska:

On behalf of the defendants in the above captioned action, I write to request a modification of the April 26, 2001 Order on: Environmental Conditions ("Environmental Order"), entered by the late Judge Baer. As discussed below, the New York City Department of Health and Mental Hygiene ("DOHMH"), responsible for monthly inspections in the jails, seeks a temporary suspension of its jail responsibilities, so that it may deploy its resources to the City's urgent coronavirus prevention efforts. I have not been able to reach Plaintiffs' counsel for their position on this request.

Although certain of its provisions have been terminated or modified, the Environmental Order continues to govern the Department of Correction's ("DOC") responsibilities to maintain clean and sanitary jails. This order predates ECF and so a copy is attached as Exh. A." Among other matters, it sets forth a series of weekly inspections and other inspections as needed by DOC's Public Health Sanitarians, Environmental Health Officers, and other staff. See Environmental Order paragraphs 3-5.

Paragraph "6" of the order requires DOHMH to make monthly inspections, which occasionally overlap with DOC inspections, and often cite the same deficiencies to be abated. In light of the current public health emergency, DOHMH believes it would better serve the City to dispatch its inspection force to other coronavirus prevention initiatives. Jail inspections would

continue to be performed by DOC staff, which performs a greater number of inspections, and also on a more frequent basis. DOC staff also continues to respond to individual sanitation complaints of unsafe conditions. Once the current health emergency has abated, we will inform Plaintiffs' counsel and the Monitor that DOHMH inspections will resume.

For these reasons, I respectfully request that paragraph "6" of the Environmental Order be suspended. A proposed order is attached as Exh. B," and a Word copy can be provided to chambers upon request. As mentioned above, I do not know the position of Plaintiffs' counsel. I assume they are displaced from their office, as am I and my colleagues. I did send two e-mail requests last week but have not heard back. I appreciate the Court's attention to this matter.

Respectfully yours,

/s/
Chlarens Orsland
Assistant Corporation Counsel

cc: Veronica Vela, Esq.
Robert Quackenbush, Esq.
Legal Aid Society

Nicole Austin Best
OCC